



**Legislative Bulletin.....July 6, 2011**

**Contents:**

**Amendments to H.R. 2219 (PART I)**—FY 2012 Department of Defense Appropriations Act

The following Legislative Bulletin contains information on the 70 amendments pre-printed in the Congressional Record through Tuesday, July 5, 2011, and other potential amendments not pre-printed that may be offered.

**Order of Business:** The amendments to H.R. 2219, the FY 2012, Department of Defense Appropriations Act are scheduled to be considered on Wednesday, June 6, and throughout the remainder of the week under an open rule. The rule ([H.Res.320](#)) waives all points of order against consideration of the bill and provisions in the bill for failure to comply with clause 2 of rule XXI. The rule also provides for the bill to be read for amendment by paragraph and under the five minute rule. The rule *provides priority for recognition to Members who have pre-printed their amendments in the Congressional Record* and provides for one motion to recommit with or without instructions.

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**SUMMARY OF AMENDMENTS PREPRINTED IN THE CONGRESSIONAL RECORD**

1. **Rigell (R-VA).** The amendment prohibits funds from being used to carry out military operations in Libya
2. **Rigell (R-VA).** The amendment prohibits funds from being used to support Operation Odyssey Dawn or Operation Unified Protector.
3. **Rigell (R-VA).** The amendment prohibits funds from being used to support Operation Odyssey Dawn
4. **Cole (R-OK).** The amendment prohibits funds from being used to implement any rule, regulation, or executive order regarding the disclosure of political contributions that takes effect on or after the bill becomes law.
5. **Cole (R-OK).** The amendment prohibits funds from being used Central Intelligence Agency or the Department of Defense until the President formally requests and receives from Congress an authorization for the use of military force in or against Libya.

6. **Cole (R-OK):** The amendment prohibits funds from being used Central Intelligence Agency or the Department of Defense to “furnish military equipment, military training or advice, or other support for military activities, to any group or individual, not part of a country's armed forces, for the purpose of assisting that group or individual in carrying out military activities in or against Libya.”
7. **Bishop (R-UT).** The amendment replaces removes the term “acquisition management” and replaces it with term “product support” in section 8113 of the bill. Additionally, the amendment exempts mission assignments or transfers approved by the Secretary of the Air Force prior to June 19, 2011, from a prohibition on the relocation of Air Force Material Command sites until a report on Air Force Material Command functions is issued to Congress.
8. **Sherman (D-CA).** The amendment prohibits funds from being used in contravention of the War Powers Resolution.
9. **Blumenauer (D-OR).** The amendment would reduce funding for DoD Maintenance and Operations by \$15,000,000 and would increase funding for Defense wide Research, Development, Test, and Evaluation by \$15,000,000.
10. **Blumenauer (D-OR).** The amendment would decrease and increase the Department of the Army Operations and Maintenance Account by \$15,000,000.
11. **Christensen (D-VI).** The amendment would require the Secretary of Health and Human Services and Secretary of the Department of Veterans Affairs to create a lung cancer mortality care program for veterans and members of the Armed Forces, based on smoking history and exposure to carcinogens during active duty service, and are diagnosed with lung cancer.
12. **Cole (R-OK).** The amendment prohibits funds for the use of military force in or against Libya until such a time that the President formally requests and receives from Congress a authorization for the use of military force in or against Libya.
13. **Cole (R-OK).** The amendment prohibits funds for the use to “furnish military equipment, military training or advice, or other support for military activities, to any group or individual, not part of a country's armed forces, for the purpose of assisting that group or individual in carrying out military activities in or against Libya.”
14. **Berman (D-CA).** The amendment prohibits the use of funds to be obligated or expended for assistance for the benefit of a Hezbollah-dependent government of Lebanon. The amendment also specifically includes language on the prohibition of [Section 1206](#) funding as well. The amendment provides a waiver on the prohibition of fund, if the Secretary of Defense, in consultation with the Secretary of State, determines and certifies in writing to Congress that such waiver is vital to the national security interests of the United States. If a waiver is issued, a report must be submitted to Congress within 15 days describing the reasons for the waiver was needed for the interests of the United States.
15. **Quayle (R-AZ).** The amendment would increase funding for Operation and Maintenance of the Army National Guard by \$144,000,000 and would reduce

funding for the Defense wide Research, Development, Test, and Evaluation by \$144,000,000.

- 16. Burton (R-IN).** The amendment prohibits the use of funds to make a contribution the military budget of the North Atlantic Treaty Organization in excess of \$408,100,000. According to the bill's sponsor, this amendment reduces the U.S. contribution to NATO's military budget to FY09 levels.
- 17. Burton (R-IN).** The amendment prohibits the use of funds to be used directly or indirectly support operations in Libya.
- 18. Burton (R-IN).** The amendment states that none of the funds made available by this Act for a military mission of the Armed Forces may be diverted from such military mission to achieve non-mission related objectives for members of the Armed Forces serving in combat zones.
- 19. Burton (R-IN).** The amendment prohibits the use of funds to be used to perform (or to permit the performance of) a marriage or civil union ceremony that does not comply with the definition of marriage in section 7 of title 1, United States Code (the Defense of Marriage Act) or to permit the use of a military installation or other land under the jurisdiction of the Department of Defense as the site of a marriage or civil union ceremony that does not comply with the definition of marriage in such section.
- 20. Burton (R-IN).** The amendment reduces funding for the Drug Interdiction and Counter Drug Activities account by \$51,865,000.
- 21. Broun (R-GA).** The amendment would reduce funding for the Research, Development, Test, and Evaluation from the Army by \$9,140,000 and would increase funding for the Defense wide Research, Development, Test, and Evaluation by \$9,140,000.
- 22. Broun (R-GA).** The amendment would reduce funding for the Research, Development, Test, and Evaluation from the Air Force by \$4,424,000 and would increase funding for the Defense wide Research, Development, Test, and Evaluation by \$4,424,000.
- 23. Broun (R-GA).** The amendment would reduce funding for the DoD Maintenance and Operations by \$216,556,400 and would place those funds under the Spending Reduction Account.
- 24. Broun (R-GA).** The amendment would reduce funding for Research Development, Test, and Evaluation of the Army by \$25,798,000 and would place those funds under the Spending Reduction Account.
- 25. Broun (R-GA).** The amendment would reduce funding for Research Development, Test, and Evaluation of the Army by \$22,796,000 and would place those funds under the Spending Reduction Account.
- 26. Broun (R-GA).** The amendment would reduce funding for Research Development, Test, and Evaluation of the Navy by \$21,714,000 and would place those funds under the Spending Reduction Account.

27. **Miller (R-MI).** The amendment would increase funding for Operation and Maintenance of the Army National Guard by \$144,000,000 and would reduce funding for the Defense wide Research, Development, Test, and Evaluation by \$144,000,000.
28. **Miller (R-MI).** The amendment would reduce funding for Operation and Maintenance of the Army by \$449,901,000 and would place those funds under the Spending Reduction Account.
29. **Kucinich (D-OH).** The amendment prohibits the use of funds to be used for military operations against Libya.
30. **Flores (R-TX).** The bill prohibits the used of funds to enforce section 526 of the Energy Independence and Security Act of 2007. The RSC's [plan](#) to reduce gas prices repeals section 526 of the 2007 energy bill, which bars federal agencies from buying alternative or synthetic fuels if they have higher lifecycle greenhouse gas emissions than conventional petroleum fuels. These resources are abundant in North America and should be utilized rather than sending taxpayer dollars overseas to pay for foreign petroleum fuels. The federal government should embrace and not prohibit the use of advanced alternate fuels.
31. **Carter (R-TX).** The amendment will strike section 8127 of the bill, as it relates to a spending limitation on military musical units. According to CBO, striking this language will not increase the cost of the bill.
32. **Gohmert (R-TX).** The amendment prohibits funding to be obligated, expended, or used in any manner to support operations, including NATO or United Nations operations, against Libya.
33. **Benishek (R-MI).** The amendment strikes the phrase “that upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act” from Defense-wide environmental restoration account.
34. **Benishek (R-MI).** The amendment strikes the phrase “that upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act” from Environmental restoration for the Navy account.
35. **Benishek (R-MI).** The amendment strikes the phrase “that upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act” from Environmental restoration for the Army account.
36. **Benishek (R-MI).** The amendment strikes the phrase “that upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes

provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act” from Environmental restoration for the Air Force account.

37. **Clarke (D-MI).** The amendment would require the Secretary of Defense to transfer \$2 billion from the Department of Defense to the Secretary of Homeland Security to increase funding for the Homeland Security Grant Program under section 2004 of the Homeland Security Act.
38. **Clarke (D-MI).** The amendment would require the Secretary of Defense to transfer \$50 million from the Department of the Army’s contingency Operations and Maintenance account designated to support activities for business and stability operations in Afghanistan, to the Small Business Administration’s Small Business Development Centers program.
39. **Clarke (D-MI).** The amendment would require the Secretary of Defense to transfer \$236 million from the Afghanistan Infrastructure Fund Account to the Secretary of Transportation for the National Infrastructure Investments program.
40. **Clarke (D-MI).** The amendment would require the Secretary of Defense to transfer \$227 million from the Operations and Maintenance Account of the Army designated to support the Commanders Emergency Response Program in Afghanistan to the Treasury’s Community Development Financial Institutions Fund.
41. **Cohen (D-TN).** The amendment would reduce funding for the Afghanistan Infrastructure Fund by \$200,000,000 and would place those funds under the Spending Reduction Account.
42. **Cohen (D-TN).** The amendment would reduce funding for the Afghanistan Security Forces Fund by \$14,000,000,000 and would place those funds under the Spending Reduction Account. Note: The Afghanistan Security Forces Fund in the bill appropriates 12,800,000,000 to the account.
43. **Holt (D-NJ).** The amendment would prohibit funding to close the defense commissary store at Fort Monmouth, New Jersey.
44. **Holt (D-NJ).** The amendment would reduce funding for the Afghanistan Security Forces Fund by \$35,000,000 and would increase funding for the Department of Defense Health Program by \$35,000,000.
45. **Amash (R-MI).** The amendment prohibits the use of funds to carry out or enforce section 2461(a)(1)(F) of title 10, United States Code.
46. **Amash (R-MI).** The amendment strikes language in the bill that requires a federal contractor to achieve a minimum cost savings (10 percent of the in-house bid or \$10 million) in order to win a public-private competition (competitive sourcing) within Department of Defense.

47. **Amash (R-MI).** The amendment prohibits the use of funds for the deployment of United States Armed Forces participating in North Atlantic Treaty Organization Operation Unified Protector.
48. **Amash (R-MI).** The amendment prohibits funds for the use of force against Libya.
49. **Jackson-Lee (D-TX).** The amendment would reduce funding for Defense-wide Operation and Maintenance by \$650,000 and increase funding for the Defense Health Account by \$500,000.
50. **Jackson-Lee (D-TX).** The amendment would reduce funding for Defense-wide Operation and Maintenance by \$600,000 and increase funding for the Defense Health Account (TRICARE) by \$500,000.
51. **Jackson-Lee (D-TX).** The amendment would reduce funding for Defense-wide Operation and Maintenance by \$350,000 and increase funding for the Defense Health Account (TRICARE) by \$250,000.
52. **Jackson-Lee (D-TX).** The amendment would reduce funding for Defense-wide Operation and Maintenance by \$1,500,000 and increase funding for the Defense Health Account by \$1,000,000.
53. **Jackson-Lee (D-TX).** The amendment would reduce funding for Defense-wide Operation and Maintenance by \$600,000 and increase funding for the Defense Health Account (TRICARE) by \$500,000.
54. **Jackson-Lee (D-TX).** The amendment would reduce funding for Defense-wide Operation and Maintenance by \$350,000 and increase funding for the Defense Health Account (TRICARE) by \$250,000.
55. **Jackson-Lee (D-TX).** The amendment prohibits the use of funds under the heading Defense Health Program to be used in contravention of [chapter 55 of title 10](#), United States Code.
56. **Jackson-Lee (D-TX).** The amendment prohibits the transfer of funds from funds appropriated under the heading “Defense Health Program.”
57. **Jackson-Lee (D-TX).** The amendment would reduce funding for Defense-wide Operation and Maintenance by \$1,500,000 and increase funding for the Defense Health Account by \$1,000,000.
58. **Jackson-Lee (D-TX).** The amendment would reduce funding for Defense-wide Operation and Maintenance by \$650,000 and increase funding for the Defense Health Account (TRICARE) by \$500,000.
59. **Jackson-Lee (D-TX).** The amendment would reduce funding for Defense-wide Operation and Maintenance by \$1,000,000 and increase funding for the Defense Health Account by \$500,000.

- 60. Jackson-Lee (D-TX).** The amendment would reduce funding for Defense-wide Operation and Maintenance by \$350,000 and increase funding for the Defense Health Account (TRICARE) by \$250,000.
- 61. Foxx (R-NC)/Burton (R-IN).** The amendment prohibits funds from being used in contravention of section 7 of title 1, United States Code (the Defense of Marriage Act).
- 62. Amash (R-MI).** The amendment would strike Section 8015 of the bill. This provision contains language that restricts the practice of approving public-private competition contracting by the Department of Defense, including language that requires a federal contractor to achieve a minimum cost savings (10 percent of the in-house bid or \$10 million) in order to win a public-private competition.
- 63. Burton (R-IN).** The amendment prohibits the use of funds to carry out training for members of the Armed Forces serving in combat zones related to implementation of any repeal of section 654 of title 10, United States Code, by section 2 of Public Law 111-321. (Don't ask, Don't Tell).
- 64. Michaud (D-ME).** The amendment prohibits funds from being used in contravention of section 2533a of title 10, United States Code (popularly known as the "Berry Amendment").
- 65. Jackson-Lee (D-TX).** The amendment would reduce funding for Defense-wide Operation and Maintenance by \$600,000 and increase funding for the Defense Health Account (TRICARE) by \$500,000.
- 66. Jackson-Lee (D-TX).** The amendment would reduce funding for Defense-wide Operation and Maintenance by \$350,000 and increase funding for the Defense Health Account (TRICARE) by \$250,000.
- 67. Jackson-Lee (D-TX).** The amendment would reduce funding for Defense-wide Operation and Maintenance by \$600,000 and increase funding for the Defense Health Account (TRICARE) by \$500,000.
- 68. Jackson-Lee (D-TX).** The amendment would reduce funding for Defense-wide Operation and Maintenance by \$350,000 and increase funding for the Defense Health Account (TRICARE) by \$250,000.
- 69. Jackson-Lee (D-TX).** The amendment would reduce funding for Defense-wide Operation and Maintenance by \$650,000 and increase funding for the Defense Health Account (TRICARE) by \$500,000.
- 70. Jackson-Lee (D-TX).** The amendment would reduce funding for Defense-wide Operation and Maintenance by \$1,500,000 and increase funding for the Defense Health Account (TRICARE) by \$1,000,000.

**SUMMARY OF POTENTIAL AMENDMENTS NOT PRE-PRINTED IN THE  
CONGRESSIONAL RECORD**

**Sessions (R-TX).** The amendment strikes Section 8101 of the bill which prohibits the use of any funds to convert any functions performed by federal employees to private competition pursuant to a study conducted under OMB Circular A-76.

**Sessions (R-TX).** The amendment reduces funding from the Joint Tactical Radio Systems and Ground Mobile Radio Program by \$10,000,000 and increases the Defense Health Program account by \$10,000,000. According to the bill's sponsor, this is to reinforce the House's previous passage of a pilot program in the National Defense Authorization Act in order to fund "pay-for-performance" pilot programs that can deliver innovative health services to men and women in uniform.

**Neugebauer (R-TX)/Thornberry (R-TX)/Conaway (R-TX)/Noem (R-SD).** The amendment would prevent any funds from being used to retire any B-1 bombers this year.

**Poe (R-TX).** The amendment would reduce funding for the Pakistan Counterinsurgency Fund by \$1,000,000,000 and would place those funds under the Spending Reduction Account.

**Poe (R-TX).** The amendment would reduce to Overseas Contingency Operations, Defense-wide Operations and Maintenance by \$1,000,000,000 and would place those funds under the Spending Reduction Account.

**Garamendi (D-CA).** The amendment would reduce funding from 34 various accounts dedicated for funding the war in Afghanistan. According to the bill's sponsor, the specific reductions to each account are based on CRS analysis of how changes in troop levels would impact spending. The \$22,161,542,000 in total reductions would be placed under the Spending Reduction Account.

## **SUMMARY OF POTENTIAL AMENDMENTS NOT PRE-PRINTED & NON-REVIEWED TEXT (Summaries based on Dear Colleagues)**

**McCollum (D-MN).** The amendment would prohibit the used of funds by the Department of Defense for official sponsorships of motorsport racing, fishing, wrestling or ultimate fighting teams or events. In H.R. 1, a similar amendment to prohibit DoD funding at NASCAR races was defeated by a vote of [148 – 281](#).

**Connolly (D-VA)/Bartlett (R-MD).** According to a Dear Colleague, an amendment will be offered to increase funding for the Strategic Environmental Research and Development Program (SERDP) by adding \$10 million to RDTE Defense-wide.

**Connolly (D-VA)/Bartlett (R-MD).** According to a Dear Colleague, an amendment will be offered to increase funding for the Installation Energy Test Bed program by \$30 million.

**Connolly (D-VA)/Bartlett (R-MD).** According to a Dear Colleague, an amendment will be offered to require at least \$15 million of Army OCO funding to be used for shelter insulation at Forward Operating Bases.